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TAGS: PREL PTER UNSC SY LE NL
SUBJECT: LEBANON TRIBUNAL: UN CALLS FOR RELOCATION PLAN FOR LEBANESE JUDGES

REF: A. USUN 381

¶B. USUN 241
¶C. USUN 224
¶D. USUN 220
¶E. USUN 109
¶F. USUN 104
¶G. USUN 71
¶H. STATE 10709

Classified By: Ambassador Alejandro D. Wolff, per 1.4 (b) and (d).

¶1. (S) Summary. United Nations U/SYG for Safety and Security David Veness briefed Special Tribunal for Lebanon (STL) Management Committee members May 1 on risks facing STL judges. Noting recent al-Qaeda threats against the UN, the assassination of a Lebanese official working with UN International Independent Investigation Commission (UNIIIC), and the higher risk profile generated by the transition from UNIIIC to the STL, Veness urged the Committee to adopt contingency plans as soon as possible to relocate the Lebanese judges on an emergency basis. He said the best emergency relocation option would be to send the judges to the Netherlands. France and the UK asked the Dutch to say definitively whether they can host the judges on an emergency basis before Committee members consider tasking the Secretariat to ask third states to do so. In terms of the judges' long-term accommodations in the Hague, Veness said the "best option" from a security perspective would be for the Dutch to make an executive decision about the judges' apartments, but he agreed to check the latest Dutch proposal (described in ref A) with Lebanese security officials and revert with their views at the next meeting of the Committee. End Summary.

Veness Outlines Risks to Judges

¶2. (S) U/SYG for Safety and Security David Veness briefed Committee members on the security risks facing judges on the STL. He noted that the bombing of the UN compound in Algiers and the recent al-Qaeda threats against the UN represented a "step-change" in the way the UN perceives security threats. The fact that al-Qaeda has sympathizers inside Lebanon could be a threat to STL personnel. But he saw the greatest threat to Tribunal judges coming from those opposed to the transition from the UNIIIC to the STL. Veness said he was "struck" by the January 2008 murder of ISF Colonel Wissam Eid, which he said was probably linked to Eid's work with the UNIIIC, and therefore urged a "particularly cautious" approach to safeguarding the security of Lebanese judges on the STL. He expressed his "firm view" that the Lebanese STL judges must be relocated outside of Lebanon before any announcement of their identity is made. In this regard, Veness said he was "concerned" that ground had not been

prepared for possible emergency evacuation of the judges, and he urged the Committee to take the necessary decisions as soon as possible.

Emergency Relocation Plans

¶3. (S) Committee members discussed at length the need for plans to relocate the judges on an emergency basis should their identities leak, which Veness cautioned could happen at any time. Veness also said the best option for emergency relocation would be to send the judges to the Netherlands, since they will be housed there on a long-term basis, and the Dutch are already familiar with the security issues related to the STL. Dutch legal adviser Brechje Schwachofer pushed back, noting that the Netherlands began telling the Secretariat in December 2007 that it would be very difficult for it to host the judges on an emergency basis, and urged the Committee to work as quickly as possible to identify a third country to do so. France and the UK argued it would very difficult to convince a third country to assume this burden unless the Dutch said definitively that they could not accept the judges on an emergency basis. Schwachofer agreed to ask her government for a definitive answer on this issue. The French Mission told USUN separately that if the Dutch rule out hosting the judges on an emergency basis, Paris might/might reconsider its earlier unwillingess to do so. (Note: USUN did not intervene on this issue because we have not received follow-up front-channel guidance on the Department's initial suggestion that the USG might/might be able to host the judges on an emergency basis. End Note.)

Long-Term Relocation Plans

¶4. (S) Committee members discussed the plan put forward by the Dutch at the last meeting to let OLA inform all the Lebanese candidates for STL judgeships of their possible long-term accommodations in The Hague and to choose apartments based on the feedback received from the candidates. Veness said DSS had not/not discussed the Dutch proposal with Lebanese security officials but, noting that conveying this information to all the Lebanese judge candidates could result in a leak, argued that the "best way" to resolve this issue would be for the Dutch Government to take an "executive decision" about long-term accommodations without any input from the judges. UN Deputy Legal Counsel Larry Johnson noted that the Dutch idea was not/not approved by OLA, and that if other approaches involved less risk to the judges, they should be explored. The Committee asked DSS to discuss the Dutch proposal with Lebanese security officials and revert with their views at the next meeting. Several Committee members said that if the Lebanese believed the Dutch proposal involved too much risk to the judges, the Dutch alone should select the judges, long-term accommodations.
Khalilzad